

Message Text

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C O N F I D E N T I A L STATE 182584

E.O. 11652: GDS

TAGS: ENRG

SUBJECT: IEA: PROCEDURES FOR REVIEW OF IAB/IWP TRANSCRIPTS

1. PLEASE PASS THE FOLLOWING MESSAGE TO MR. D. R. SKINNER,
CHAIRMAN IEA INDUSTRY ADVISORY BOARD IN RESPONSE TO
JULY 1 TELEPHONE CONVERSATION BETWEEN SKINNER AND
RICHARD MARTIN OF THE OFFICE OF FUELS AND ENERGY:

BEGIN MESSAGE:

FOLLOWING ARE THE PROCEDURES ADOPTED BY THE US GOVERNMENT
FOR THE REVIEW OF IAB/IWP TRANSCRIPTS. WE HAVE MADE
EVERY EFFORT WITHIN THE PREVAILING LEGAL CONSTRAINTS
TO MINIMIZE THE INCONVENIENCES CAUSED BY THE PROCEDURES
AND TO ACCOMMODATE THE CONCERNS EXPRESSED BY CERTAIN
COMPANIES.

WE WELCOME THE SUGGESTION THAT COMPANIES' LAWYERS ATTEND
IAB/IWP MEETINGS. THIS WOULD STREAMLINE THE REVIEW
PROCESS BY ALLOWING ONE INDIVIDUAL TO SCREEN FOR BOTH
ACCURACY AND ANTITRUST CONCERNS. A LAWYER WHO HAS
ATTENDED A MEETING COULD REVIEW THE TRANSCRIPT ON THE
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SAME TERMS AS ANY OTHER PARTICIPANT. A COMPANY LAWYER

WHO WAS NOT PRESENT AT A MEETING COULD REVIEW THE

TRANSCRIPT IF HE HAS BEEN GRANTED A US GOVERNMENT SECURITY CLEARANCE, WHICH HOWEVER IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS, WOULD BE AVAILABLE ONLY FOR US CITIZENS.

WE HAVE ALSO EXAMINED THE REQUIREMENT THAT A US GOVERNMENT OFFICIAL BE PRESENT DURING THE REVIEW. NOTWITHSTANDING COMPANY ASSURANCES REGARDING SECURE STORAGE AND MAINTENANCE OF CONFIDENTIALITY DURING TRANSCRIPT REVIEW, CURRENT LEGAL CONSTRAINTS DO NOT PERMIT CLASSIFIED DOCUMENTS TO BE OUT OF THE POSSESSION OF PROPERLY CLEARED US GOVERNMENT OFFICIALS

IT IS POSSIBLE THAT WE WILL BE ABLE TO OBTAIN NEW AUTHORITY WHICH WOULD ALLOW SOMEWHAT GREATER FLEXIBILITY IN THESE PROCEDURES, BUT WE ARE UNABLE TO MAKE ANY COMMITMENT AT THIS TIME.

WE TRUST THAT THE PROCEDURES AS ELABORATED WILL PROVE ACCEPTABLE TO ALL. WE WILL INFORM YOU SHORTLY OF THE WAY IN WHICH A SECURITY CLEARANCE MAY BE SOUGHT FOR DESIGNATED COMPANY LAWYERS

2. PROCEDURES FOR TRANSCRIPT REVIEW

THE FOLLOWING IS A DESCRIPTION OF THE STANDARDS AND PROCEDURES WHICH THE US GOVERNMENT HAS ESTABLISHED TO PROVIDE FOR REVIEW OF TRANSCRIPTS OF MEETINGS OF THE IAB, IWP AND THEIR SUBCOMMITTEES AND WORKING GROUPS.

A. STANDARDS AND SCOPE

1. PERSONS ATTENDING A MEETING WILL BE ALLOWED TO REVIEW THE TRANSCRIPT TO DETERMINE WHETHER THEIR REMARKS AT THE MEETING ARE ACCURATELY RECORDED.

2. PERSONS ATTENDING MEETINGS WILL BE PERMITTED TO REVIEW THE ENTIRE TRANSCRIPT.

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3. SUCH PERSONS SHOULD SUBMIT SUGGESTED REVISIONS OF A MATERIAL NATURE ONLY. PARTIES WILL HAVE AN OPPORTUNITY TO REVIEW THE ACCEPTED REVISIONS AND WILL BE GIVEN THE OPPORTUNITY TO ATTACH TO THE FINAL TRANSCRIPT CHANGES WHICH THEY BELIEVE SHOULD HAVE BEEN MADE.

4. A LAWYER DESIGNATED BY A COMPANY REPRESENTED

AT A MEETING WILL BE ALLOWED TO REVIEW THE ENTIRE TRANSCRIPT OF THAT MEETING NOTWITHSTANDING THE FACT THAT HE WAS NOT PRESENT AT THAT MEETING, PROVIDED THAT HE HAS OBTAINED BEFOREHAND THE APPROPRIATE US GOVERNMENT SECURITY CLEARANCE. A CLEARANCE FOR THIS PURPOSE, IN ACCORDANCE WITH APPLICABLE US LAWS AND REGULATIONS, MAY BE GRANTED ONLY TO US CITIZENS.

B. PROCEDURES

1. UNLESS OTHER ARRANGEMENTS ARE MADE, TRANSCRIPTS WILL BE AVAILABLE FOR REVIEW IN THE UNITED STATES AT FEA OFFICES IN NEW YORK AND WASHINGTON.

2. PERSONS WHO RESIDE ABROAD AND WHO WISH TO REVIEW A TRANSCRIPT IN THE CAPITAL OF THEIR HOME COUNTRY (OR IN ANOTHER CAPITAL) MAY DO SO IF THEY NOTIFY THE US GOVERNMENT WITHIN 7 DAYS FOLLOWING THE MEETING WHERE THE TRANSCRIPT WAS TAKEN. STANDING REQUESTS WILL BE SUFFICIENT FOR THIS PURPOSE. TRANSCRIPTS MADE AVAILABLE ABROAD PURSUANT TO THIS PARAGRAPH MAY ALSO BE REVIEWED AT SUCH LOCATIONS BY ANY OTHER PERSON ENTITLED TO REVIEW THE TRANSCRIPT.

3. IF SUCH A REQUEST IS MADE, THE TRANSCRIPT WILL BE MADE AVAILABLE FOR REVIEW AT THE US EMBASSY IN THE COUNTRY CONCERNED. EACH RELEVANT EMBASSY WILL HAVE A CONTACT PERSON RESPONSIBLE FOR MAKING THE APPROPRIATE ARRANGEMENTS. IN ORDINARY CIRCUMSTANCES THESE ARRANGEMENTS CONTEMPLATE REVIEW AT THE EMBASSY ITSELF, ALTHOUGH IN SOME CIRCUMSTANCES ALTERNATIVE ARRANGEMENTS

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MAY BE POSSIBLE.

4. IF COMPANIES DO NOT WISH TO TAKE ADVANTAGE OF THE OPPORTUNITY FOR REVIEW AS OUTLINED IN 1-3 ABOVE, THE TRANSCRIPT WILL ALSO BE MADE AVAILABLE FOR REVIEW AT THE SUBSEQUENT MEETING OF THE GROUP INVOLVED (UNLESS IT HAS NOT BEEN TRANSCRIBED BY THAT TIME, IN WHICH CASE IT WILL BE MADE AVAILABLE AT A LATER MEETING).

5. REVIEW AT MEETINGS WILL BE ACCOMPLISHED BY MAKING SEVERAL COPIES OF THE TRANSCRIPT AVAILABLE FOR REVIEW FOR A LIMITED PERIOD PRIOR TO THE BEGINNING OF THE MEETING, AND AT OTHER APPROPRIATE BREAKS DURING THE MEETING. IT SHOULD BE NOTED

THAT ON THE DAY PRIOR TO A MEETING, COPIES WILL
ORDINARILY BE AVAILABLE AS PROVIDED IN STEPS
1 OR 3 ABOVE.

6. PROPOSED CHANGES MUST BE SUBMITTED IN WRITING
WITHIN THE PERIOD ALLOWED FOR REVIEW.

7. AFTER REVIEW BY THE US GOVERNMENT, AND INCORPORA-
TION OF THOSE CHANGES WHICH THE GOVERNMENT
BELIEVES ARE NECESSARY, THE TRANSCRIPT WILL
AGAIN BE AVAILABLE FOR REVIEW WITH ACCEPTED
CHANGES NOTED OR ATTACHED. THIS SECOND REVIEW
WILL TAKE PLACE AT A SUBSEQUENT MEETING OF
THE GROUP INVOLVED OR AS OTHERWISE ARRANGED.
IF, AT THIS SECOND REVIEW, A PERSON BELIEVES
THAT THE TRANSCRIPT IS NOT ACCURATE, HE MAY
SUBMIT HIS EXPLANATION IN WRITING, WHICH WILL
THEN BE ATTACHED TO THE OFFICIAL TRANSCRIPT.

8. QUESTIONS REGARDING TRANSCRIPT REVIEW IN THE
UNITED STATES SHOULD BE DIRECTED TO ROSEANN
MAZAKA, INTERNATIONAL ENERGY AFFAIRS, FEDERAL
ENERGY ADMINISTRATION, WASHINGTON, D.C. 20461
(202) 254-3433. QUESTIONS REGARDING REVIEW
ABROAD SHOULD BE DIRECTED TO RICHARD MARTIN,
OFFICE OF FUELS AND ENERGY, DEPARTMENT OF
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STATE, WASHINGTON, D.C. 20520 (202) 632-0861.
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